



State of Vermont
Department of Liquor Control
13 Green Mountain Drive
Montpelier, VT 05602
liquorcontrol.vermont.gov

[phone] 802-828-2339
[fax] 802-828-1031

Michael J. Hogan, Commissioner

May 7, 2013

2863-001

Atkins Inc.
Dba Ruben James
159 Main Street
Burlington VT 05401

RE: Settlement agreement dated May 6, 2013

Dear Licensee:

The department has received the May 6, 2013 settlement agreement to waive your rights to a hearing for violation of General Regulations Number 12, 13, 17, 17(a) & 36 and accept a suspension of 7 (seven) days. This suspension will start at the close of business on June 10, 2013 through the opening of business June 17, 2013.

The requirements of V.S.A., Title 7, § 240 relative to the proof of financial responsibility requirement following the above violation is enclosed. This is a reminder that within 60 days from the start of the suspension you are required to furnish this office with a certificate of financial responsibility.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "WJG".

William J. Goggins, Chief
Vermont Department of Liquor Control
Education, Licensing & Enforcement Director

cc: Investigator Gonyo
City of Burlington



Liquor Control Board:

Stephanie M. O'Brien, Chair, John P. Cassarino, Thomas Gallagher, Julian Sbardella, Melissa Mazza, Members

% DAVID H. CASIER ESQ.

State of Vermont
Liquor Control Board
(Settlement Agreement)

TO: ATKINS INC.
c/o RUBEN JAMES
159 MAIN ST.
BURLINGTON, VT. 05403

MAY 6, 2013

You have been notified of a hearing before the Liquor Control Board (LCB) on MAY 8, 2013
at MONTPELIER, Vermont, to consider the suspension or revocation of your liquor
license(s).

Reference is made to Notice of Hearing dated MARCH 28, 2013 with investigative report(s)
attached, or to DLC ticket dated MARCH 28, 2013 dated 3/28/13

Based upon your inquiry concerning settlement of the violations alleged against you in the Notice of
Hearing, the LCB has agreed to accept a suspension of 7 days duration, BEGINNING JUNE
10 AND ENDING AT THE OPENING OF BUSINESS ON JUNE 17, 2013
If you wish to settle and waive your right to a hearing, then sign and date this letter, and fax the signed
and dated letter to:

1. Department of Liquor Control (DLC) Enforcement Division at (802) 828-1031 (fax); and,
2. Jacob A. Humbert, Assistant Attorney General (AAG) at (802) 828-3187 (fax).

Please complete and sign this agreement and fax it to the DLC Enforcement Division no later than two (2)
business days before the date of the hearing, in order to ensure that your hearing can be cancelled in a
timely manner.

By signing and faxing this letter, you have given the DLC authority to accept your facsimile signature as
though it were the original.

If this matter is not settled in the manner set forth, then the settlement offer is null and void and is of no
further consequence. The LCB may, after hearing, impose any available penalty, or none at all,
depending upon the evidence.

If there are any questions, I can be reached during normal business hours at (802) 658-3586 or by fax at
(802) 660-7050.

Very truly yours,

Ronald C. Schmucker, Esq., Attorney to
the Vermont Liquor Control Board

I accept the 7 days suspension of my liquor license, AS STATED

Dated: MAY 2013

By:

Print Name

Duly Authorized Agent

VERMONT STATUTES ANNOTATED, TITLE 7
SECTION 240

§ 240 Proof of Financial Responsibility.

(a) Any first, second or third class liquor licensee whose license is suspended by the local control commissioners or suspended or revoked by the liquor control board for selling or furnishing intoxicating liquor to a minor, to a person apparently under the influence of intoxicating liquor, to a person after legal serving hours, or to a person whom it would be reasonable to expect would be intoxicated as a result of the amount of liquor served to that person, shall be required to furnish to the liquor control department a certificate of financial responsibility within 60 days of the commencement of the suspension or revocation or at the time of reinstatement of the license, whichever is later. Financial responsibility may be established by any one or a combination of the following: insurance, surety bond or letter of credit. Coverage shall be maintained at not less than \$25,000.00 per occurrence and \$50,000.00 aggregate per occurrence. Proof of financial responsibility shall be required for license renewal for the three years following the suspension or revocation.

(b) Proof of financial responsibility and completion of the licensee education program established in section 239 of this title shall be conditions to resume operation after a suspension or revocation for any of the reasons in subsection (a) of this section; however, at the discretion of the suspending or revoking authority, the licensee may receive a provisional license prior to the time these conditions are met in order to allow for compliance with the education requirement or to obtain the certificate of financial responsibility. A provisional license may not be issued for a period exceeding 60 days.

DAVID H. CASIER

ATTORNEY-AT-LAW

**4 LAUREL HILL DRIVE
SOUTH BURLINGTON VERMONT 05403**

**TELEPHONE (802) 863-1110
FAX LINE (802) 862-3592
E-MAIL DCASIER@AOL.COM**

Monday, May 06, 2013

1. Department of Liquor Control, Enforcement Division at (802) 828-1031
2. Assistant Attorney General Jacob A. Humbert, Esq. at (802) 828-3187
3. Ronald C. Schmucker, Esq., Attorney to the Vermont Liquor Control Board (802) 660-7050.

Original will follow by regular mail. This fax includes: this cover sheet and the Settlement Agreement: total of 2 pages.

NOTICE: The documents included under cover of this transmittal memo may contain information, which is confidential and/or privileged. This information is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this transmittal is not the intended recipient, or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby NOTIFIED that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the U.S. Postal Service.